

**McCARTHY & BERLIN, LLP**  
ATTORNEYS AT LAW

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**Education**

Golden Gate University School of Law, J.D., 1995  
Cal Poly, San Luis Obispo, B.S., Agribusiness, 1992

**Bar Admissions**

California  
United States District Court for the  
Northern District of California

**Experience**

*Ms. Berlin has extensive practice experience in municipal, energy, and administrative law, as well as construction and contract law matters. Prior to joining the firm, Ms. Berlin experiences include a position as a Deputy City Attorney for the City of Santa Clara, and a family law practitioner in private practice.*

**Energy and Utility Law**

*Ms. Berlin has represented municipalities and joint powers agency clients in various matters, including municipalization efforts, contract negotiations, and proceedings before the California Public Utilities Commission (CPUC). Ms. Berlin has been active in advising clients on various aspects of California electric industry restructuring legislation and CPUC implementing decisions. She has provided memoranda to both private and municipal clients summarizing relevant legislation and CPUC decisions, on such topics as direct access implementation, consumer protection, municipal utility regulations, revenue cycle services' as well as various utility tariffs.*

*Ms. Berlin has also worked with municipal clients, assisting in the development of direct access programs for municipal utilities, and with municipalization efforts for cities seeking to establish their own utilities. Ms. Berlin is currently working on the implementation and negotiation of management agreements for the development, operations and maintenance of municipal greenfield utilities. Recently, Ms. Berlin worked to negotiate planning, construction, operation, and power sales agreements on behalf of a southern California city who was one of seven municipal participants (all members of a joint powers agency) in the development of a power station, whose generation capacity will be divided among the various participants for serving their local load. Along with assisting in the development of the power plant agreements,*

*Ms. Berlin has also assisted the City in the organization of a municipal utility and municipal aggregation program, has represented the City before the CPUC in related proceedings, and helps to track and monitor proposed legislative changes that would impact these efforts. Ms. Berlin also worked with the City's staff and the City attorney in the development a plan for the dedication of all future distribution facilities to the City, which would facilitate the City's eventual conversion to a full service municipal utility.*

*Ms. Berlin has extensive practice experience before the California Public Utilities Commission. Ms. Berlin has participated in the CPUC's proceedings regarding the future of direct access and the recovery of the Department of Water Resources revenue requirements, including the potential application of CPUC mandated "exit fees" to electric load located in the service territories of publicly owned utilities, and municipal "departing load customers." Ms. Berlin has also been active in the representation of municipal clients in the CPUC's investigation regarding the proposed settlement agreement between the CPUC and Pacific Gas & Electric Company relevant to PG&E's emergence from bankruptcy. Other matters Ms. Berlin has worked on before the CPUC include the ongoing investigation into the implementation of Assembly Bill 970 regarding transmission congestion and related issues, the California Electricity Generation Facilities Standards Committee and its development of maintenance and inspections standards for electric generation facilities, the various proceedings addressing the State's 'energy crisis,' Pacific Gas & Electric Company's Application to market value and divest its hydroelectric facilities, investor owned utility general rate cases, the investigation into the transactions of the utility holding companies, the merger of Pacific Enterprises and Enova Corporation, rulemakings related to qualifying facility contract restructuring, and inspection and maintenance standards for municipal distribution systems, and most recently, the CPUC's rulemaking regarding the implementation of Assembly Bill 117 and the development of community choice aggregation programs. Ms. Berlin's practice before the CPUC has involved reviewing and responding to CPUC and party filings, drafting pleadings on behalf of clients and cooperatively with other interested parties, the development and drafting of testimony, presentation and cross-examination of witnesses, and the filing of legal briefs.*

*Ms. Berlin also advises clients regarding proceedings before the California Energy Commission, including proceedings regarding the siting and interconnection ramifications of distributed generation and the potential impacts of power plant siting on existing transmission rights.*

### **Municipal Law**

*Ms. Berlin has experience in various aspects of municipal law, including drafting of city resolutions, ordinances, and regulations, as well as negotiating, drafting and enforcing contracts; performing research and preparing legal opinions on a wide variety of public law issues, including state and federal preemption issues and California Environmental Quality Act matters.*

*Ms. Berlin has counseled public agency clients on matters such as municipal utility ratemaking authority and utility users' taxes, as well as a dispute between a municipal utility and a federal power marketing agency. Ms. Berlin has worked extensively on service tariffs,*

*customer service regulations, and developed a number of agreements relating to wholesale trading functions for a municipal electric utility, as well as both gas and electric power sales contracts.*

*Ms. Berlin has advised municipal clients on compliance issues regarding AB1890, including public benefits program administration, electricity consumer protection mandates, and municipalities' ability to serve as scheduling coordinators under rules adopted by the California Independent System Operator. Ms. Berlin worked closely with a municipal client in the development and implementation of an electric bus program, which received recognition from the California Municipal Utilities Association, for outstanding use of public benefit funds. Ms. Berlin's involvement on this project was extensive, and included drafting the various documents required to launch this innovative program, which involved coordinating agreements between project managers, bus manufacturers, vehicle operators, and the municipality itself. The electric bus program joined both public and private entities in a common goal of advocating alternate energy sources for mass transportation vehicles, and encouraging the reliable and comfortable use of public transportation.*

*During her tenure with the Santa Clara City Attorney's office, some of Ms. Berlin's job duties included assisting in the preparation of litigation matters involving city code and zoning ordinance enforcement issues*

### **Litigation**

*Ms. Berlin's litigation and trial experience is diverse and includes construction matters on behalf of both contractors and owners, family law matters, employment contract matters, administrative proceedings at the CPUC, code enforcement matters, and mediation and arbitration proceedings, both binding and non-binding.*

*While working with the Environmental Unit of the Santa Clara District Attorney's office, Ms. Berlin performed extensive research and drafting, assisted in the collection of past due judgements, performed debtor's examinations, and provided legal analysis of various alternatives for collecting judgements from environmental polluters.*

### **Organizations**

*Associate Member, California Municipal Utilities Association  
Member, Conference of California Public Utility Counsel  
Director, Sigma Alpha Sorority, Professional Women in Agriculture  
Member, Hellenic Law Society of Northern California  
Member, American Agricultural Law Association  
Associate Member, Bay Area City Attorney Association*